

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL RAPAPORT and MICHAEL
DAVID PRODUCTIONS, INC.,

Plaintiffs,

-against-

BARSTOOL SPORTS, INC., ADAM SMITH,
KEVIN CLANCY, ERIC NATHAN and
DAVID PORTNOY,

Defendants.

Case No. 1:18-CV-08783

**DECLARATION OF JOANNA BLYTHE
IN SUPPORT OF DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT AND OPPOSITION TO
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT OR IN THE
ALTERNATIVE, SUMMARY
ADJUDICATION**

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BARSTOOL SPORTS, INC., ADAM SMITH,
KEVIN CLANCY, ERIC NATHAN and
DAVID PORTNOY,

Counterclaim Plaintiffs,

-against-

MICHAEL RAPAPORT and MICHAEL
DAVID PRODUCTIONS, INC.

Counterclaim Defendants.

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DECLARATION OF JOANNA BLYTHE

I, JoAnna Blythe, declare:

1. I am a paralegal and the Manager of Litigation Support at Greenberg Glusker Fields Claman & Machtinger LLP, attorneys of record for Defendants Barstool Sports, Inc. (“Barstool”), Adam Smith, Kevin Clancy, Eric Nathan and David Portnoy (“Portnoy”) (collectively, “Defendants”) herein. The facts set forth herein are of my own personal knowledge and if sworn I could and would testify competently thereto under oath.

2. I assembled each of the documents attached hereto using a program called FireShot Pro (“FireShot”). FireShot is a website screenshot tool used to capture the entire visible part of a webpage and save it to a PDF. FireShot automatically annotates the screen capture to preserve the title of the document captured, the URL to the document, and the date and time the document was captured.

3. Attached hereto as **Exhibit 1** is a true and correct copy of an image of the URL <http://simonandschusterpublishing.com/this-book-has-balls/index.html>, which I captured on December 18, 2018 using the FireShot program described above.

4. Attached hereto as **Exhibit 2** is a true and correct copy of an image of the URL <https://www.deseret.com/1998/5/19/19380797/actor-ordered-to-stay-away-from-girlfriend-he-harassed>, which I captured on December 18, 2018 using the FireShot program described above.

5. Attached hereto as **Exhibit 3** is a true and correct copy of an image of the URL <https://www.eonline.com/news/36433/michael-rapaport-sentenced-for-harassment>, which I captured on December 18, 2018 using the FireShot program described above.

6. Attached hereto as **Exhibit 4** is a true and correct copy of an image of the URL https://en.wikipedia.org/wiki/Michael_Rapaport, which I captured on December 18, 2018 using the FireShot program described above.

7. Attached hereto as **Exhibit 5** is a true and correct copy of an image of the URL <https://twitter.com/jennamarie900/status/838517401754939392>, which I captured on December

18, 2018 using the FireShot program described above.

8. Attached hereto as **Exhibit 6** is a true and correct copy of an image of the URL <https://twitter.com/mangorlas/status/88592727547/2060416>, which I captured on December 18, 2018 using the FireShot program described above.

9. Attached hereto as **Exhibit 7** is a true and correct copy of an image of the URL <https://twitter.com/RiverCafe/status/960376844611735555>, which I captured on December 18, 2018 using the FireShot program described above.

10. Attached hereto as **Exhibit 8** is a true and correct copy of an image of the URL https://twitter.com/rant_sir/status/960309811450728448, which I captured on December 18, 2018 using the FireShot program described above.

11. Attached hereto as **Exhibit 9** is a true and correct copy of an image of the URL <https://twitter.com/KiLLeRTerMiTe28/status/759494469179756548>, which I captured on December 18, 2018 using the FireShot program described above.

12. Attached hereto as **Exhibit 10** is a true and correct copy of an image of the URL <https://twitter.com/kericksen80free/status/775430547350827008>, which I captured on December 18, 2018 using the FireShot program described above.

13. Attached hereto as **Exhibit 11** is a true and correct copy of an image of the URL <https://twitter.com/VanceRail/status/835348972227166208>, which I captured on December 18, 2018 using the FireShot program described above.

14. Attached hereto as **Exhibit 12** is a true and correct copy of an image of the URL <https://twitter.com/UAintBuildRome>, which I captured on December 18, 2018 using the FireShot program described above.

15. Attached hereto as **Exhibit 13** is a true and correct copy of an image of the URL https://twitter.com/tommy_aether/status/835621873996152838, which I captured on December 18, 2018 using the FireShot program described above.

16. Attached hereto as **Exhibit 14** is a true and correct copy of an image of the URL <https://twitter.com/Ruthian23/status/835646976809189376>, which I captured on December 18,

2018 using the FireShot program described above.

17. Attached hereto as **Exhibit 15** is a true and correct copy of an image of the URL <https://twitter.com/whitebreadsays/status/837113149266415616>, which I captured on December 18, 2018 using the FireShot program described above.

18. Attached hereto as **Exhibit 16** is a true and correct copy of an image of the URL <https://twitter.com/AaronLeyser/status/880834909778194432>, which I captured on December 18, 2018 using the FireShot program described above.

19. Attached hereto as **Exhibit 17** is a true and correct copy of an image of the URL <https://twitter.com/krabdaddyx/status/893335112129146880>, which I captured on December 18, 2018 using the FireShot program described above.

20. Attached hereto as **Exhibit 18** is a true and correct copy of an image of the URL <https://twitter.com/EbtheCeleb/status/896392863520628736>, which I captured on December 18, 2018 using the FireShot program described above.

21. Attached hereto as **Exhibit 19** is a true and correct copy of an image of the URL https://twitter.com/Mexi_Jew/status/924312428824932352, which I captured on December 18, 2018 using the FireShot program described above.

22. Attached hereto as **Exhibit 20** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRyanRuiz/status/835345604679172097>, which I captured on December 18, 2018 using the FireShot program described above.

23. Attached hereto as **Exhibit 21** is a true and correct copy of an image of the URL <https://www.thebiglead.com/posts/the-michael-rapaport-dan-le-batard-show-feud-has-gotten-very-personal-01dxkjg89j44>, which I captured on December 18, 2018 using the FireShot program described above.

24. Attached hereto as **Exhibit 22** is a true and correct copy of an image of the URL <https://awfulannouncing.com/espn/michael-rapaport-dan-le-batard-espn-twinkie-eating-f-boy.html>, which I captured on December 18, 2018 using the FireShot program described above.

25. Attached hereto as **Exhibit 23** is a true and correct copy of an image of the URL

<https://www.sportingnews.com/us/other-sports/news/dan-le-batard-michael-rapaport-ESPN-feud-magic-johnson-mike-ryan-ruiz-roy-bellamy-jon-weiner-stugotz-highly-questionable/1ku3yl1t1gisv1wq5gb076clks>, which I captured on December 18, 2018 using the FireShot program described above.

26. Attached hereto as **Exhibit 24** is a true and correct copy of an image of the URL <https://www.thewrap.com/michael-rapaport-escalates-beef-ESPNs-twinkie-eating-f-boy-dan-le-batard/>, which I captured on December 18, 2018 using the FireShot program described above.

27. Attached hereto as **Exhibit 25** is a true and correct copy of an image of the URL <https://thegrapevine.theroot.com/michael-rapaport-is-the-worst-kind-of-white-man-1824263881>, which I captured on December 18, 2018 using the FireShot program described above.

28. Attached hereto as **Exhibit 26** is a true and correct copy of an image of the URL <https://theshadowleague.com/michael-rapaport-and-the-era-of-the-disrespectful-white-ally/>, which I captured on December 18, 2018 using the FireShot program described above.

29. Attached hereto as **Exhibit 27** is a true and correct copy of an image of the URL <https://twitter.com/tariqnasheed/status/981032586905448448>, which I captured on December 18, 2018 using the FireShot program described above.

30. Attached hereto as **Exhibit 28** is a true and correct copy of an image of the URL <https://twitter.com/ABitOfKwansLife/status/981164639303053313>, which I captured on December 18, 2018 using the FireShot program described above.

31. Attached hereto as **Exhibit 29** is a true and correct copy of an image of the URL <https://twitter.com/Len1776/status/981232249126273024>, which I captured on December 18, 2018 using the FireShot program described above.

32. Attached hereto as **Exhibit 30** is a true and correct copy of an image of the URL <https://twitter.com/TellingMyTruths/status/98155994649892096>, which I captured on December 18, 2018 using the FireShot program described above.

33. Attached hereto as **Exhibit 31** is a true and correct copy of an image of the URL <https://www.thewrap.com/michael-rapaport-vents-after-seven-days-in-twitter-jail-video/>, which I

captured on December 18, 2018 using the FireShot program described above.

34. Attached hereto as **Exhibit 32** is a true and correct copy of an image of the URL <https://toofab.com/2018/02/19/michael-rapaport-laura-ingraham-lebron-james-fox-news-shut-up-and-dribble-deez-nuts-atypical/>, which I captured on December 18, 2018 using the FireShot program described above.

35. Attached hereto as **Exhibit 33** is a true and correct copy of an image of the URL <https://www.dailywire.com/news/watch-leftist-actor-attacks-laura-ingraham-you-ryan-saavedra>, which I captured on December 18, 2018 using the FireShot program described above.

36. Attached hereto as **Exhibit 34** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/1075427583427137541>, which I captured on December 20, 2018 using the FireShot program described above.

37. Attached hereto as **Exhibit 35** is a true and correct copy of an image of the URL <https://www.eonline.com/news/998162/michael-rapaport-s-controversial-ariana-grande-comments-spark-major-backlash>, which I captured on December 20, 2018 using the FireShot program described above.

38. Attached hereto as **Exhibit 36** is a true and correct copy of an image of the URL <https://www.thewrap.com/michael-rapaport-ariana-grande/>, which I captured on December 20, 2018 using the FireShot program described above.

39. Attached hereto as **Exhibit 37** is a true and correct copy of an image of the URL <https://www.buzzfeed.com/ryanschocket2/people-are-calling-this-actors-post-about-ariana-grande>, which I captured on December 20, 2018 using the FireShot program described above.

40. Attached hereto as **Exhibit 38** is a true and correct copy of an image of the URL <https://www.usatoday.com/story/life/people/2018/12/19/michael-rapaport-slammed-sexist-mocking-ariana-grandes-look/2368689002/>, which I captured on December 20, 2018 using the FireShot program described above.

41. Attached hereto as **Exhibit 39** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/1075452736483676160>, which I captured on December

20, 2018 using the FireShot program described above.

42. Attached hereto as **Exhibit 40** is a true and correct copy of an image of the URL <https://twitter.com/michaelrapaport/status/983493218909143040>, which I captured on April 2, 2020 using the FireShot program described above.

43. Attached hereto as **Exhibit 41** is a true and correct copy of an image of the URL <https://twitter.com/michaelrapaport/status/710278282600685568>, which I captured on December 18, 2018 using the FireShot program described above.

44. Attached hereto as **Exhibit 42** is a true and correct copy of an image of the URL <https://twitter.com/michaelrapaport/status/906879147531804672> which I captured on April 2, 2020 using the FireShot program described above.

45. Attached hereto as **Exhibit 43** is a true and correct copy of an image of the URL <https://www.yahoo.com/lifestyle/father-apos-atypical-apos-michael-220810933.html>, which I captured on April 2, 2020 using the FireShot program described above.

46. Attached hereto as **Exhibit 44** is a true and correct copy of an image of the URL <https://www.thewrap.com/michael-rapaport-catches-heat-for-f-ing-awful-thailand-cave-rescue-joke/>, which I captured on December 18, 2018 using the FireShot program described above.

47. Attached hereto as **Exhibit 45** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/918108315221184512>, which I captured on April 2, 2020 using the FireShot program described above.

48. Attached hereto as **Exhibit 46** is a true and correct copy of an image of the URL <https://twitter.com/michaelrapaport/status/964707193281961984>, which I captured on December 18, 2018 using the FireShot program described above.

49. Attached hereto as **Exhibit 47** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/964738545956012032>, which I captured on December 18, 2018 using the FireShot program described above.

50. Attached hereto as **Exhibit 48** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/964714932431306753>, which I captured on December

18, 2018 using the FireShot program described above.

51. Attached hereto as **Exhibit 49** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/964708475107356672>, which I captured on December 18, 2018 using the FireShot program described above.

52. Attached hereto as **Exhibit 50** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/964752895643025408>, which I captured on December 18, 2018 using the FireShot program described above.

53. Attached hereto as **Exhibit 51** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/964750268817489920>, which I captured on December 18, 2018 using the FireShot program described above.

54. Attached hereto as **Exhibit 52** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965071170943909888>, which I captured on March 30, 2020 using the FireShot program described above.

55. Attached hereto as **Exhibit 53** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965096076578455552?s=20>, which I captured on March 30, 2020 using the FireShot program described above.

56. Attached hereto as **Exhibit 54** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965071505041195012?s=20>, which I captured on March 30, 2020 using the FireShot program described above.

57. Attached hereto as **Exhibit 55** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965058437741604864?s=20>, which I captured on March 30, 2020 using the FireShot program described above.

58. Attached hereto as **Exhibit 56** is a true and correct copy of an image of the URL <https://twitter.com/Kmarkobarstool/status/965088385760202752>, which I captured on March 30, 2020 using the FireShot program described above.

59. Attached hereto as **Exhibit 57** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965057393884217344?s=20>, which I captured on

March 30, 2020 using the FireShot program described above.

60. Attached hereto as **Exhibit 58** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965126277358223361?s=20>, which I captured on March 30, 2020 using the FireShot program described above.

61. Attached hereto as **Exhibit 59** is a true and correct copy of an image of the URL <https://twitter.com/stoolpresidente/status/965246177380880384?lang=en>, which I captured on March 30, 2020 using the FireShot program described above.

62. Attached hereto as **Exhibit 60** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965040428310437889?s=20>, which I captured on March 30, 2020 using the FireShot program described above.

63. Attached hereto as **Exhibit 61** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965040930926415872?s=20>, which I captured on March 30, 2020 using the FireShot program described above.

64. Attached hereto as **Exhibit 62** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965042472853282816?s=20>, which I captured on March 30, 2020 using the FireShot program described above.

65. Attached hereto as **Exhibit 63** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965043331804704770?s=20>, which I captured on March 30, 2020 using the FireShot program described above.

66. Attached hereto as **Exhibit 64** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965044205084012544?s=20>, which I captured on March 30, 2020 using the FireShot program described above.

67. Attached hereto as **Exhibit 65** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965047376284012544?s=20>, which I captured on March 30, 2020 using the FireShot program described above.

68. Attached hereto as **Exhibit 66** is a true and correct copy of an image of the URL <https://twitter.com/68CElliott/status/965057401698340864>, which I captured on December 18,

2018 using the FireShot program described above.

69. Attached hereto as **Exhibit 67** is a true and correct copy of an image of the URL <https://twitter.com/GoodsteinAriel/status/965108979172106240>, which I captured on December 18, 2018 using the FireShot program described above.

70. Attached hereto as **Exhibit 68** is a true and correct copy of an image of the URL https://twitter.com/jack_kinsman/status/965069802174894080, which I captured on December 18, 2018 using the FireShot program described above.

71. Attached hereto as **Exhibit 69** is a true and correct copy of an image of the URL <https://twitter.com/ScottCampbell13/status/965152171275800576>, which I captured on December 18, 2018 using the FireShot program described above.

72. Attached hereto as **Exhibit 70** is a true and correct copy of an image of the URL <https://twitter.com/Chesser91/status/965135650465943552>, which I captured on December 18, 2018 using the FireShot program described above.

73. Attached hereto as **Exhibit 71** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965071782159011840>, which I captured on December 18, 2018 using the FireShot program described above.

74. Attached hereto as **Exhibit 72** is a true and correct copy of an image of the URL <https://twitter.com/kmarkobarstool/status/965046973203132416>, which I captured on December 18, 2018 using the FireShot program described above.

75. Attached hereto as **Exhibit 73** is a true and correct copy of an image of the URL <https://twitter.com/Kmarkobarstool/status/965088385760202752>, which I captured on March 30, 2020 using the FireShot program described above.

76. Attached hereto as **Exhibit 74** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965057393884217344?s=20>, which I captured on March 30, 2020 using the FireShot program described above.

77. Attached hereto as **Exhibit 75** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/965126277358223361?s=20>, which I captured on

March 30, 2020 using the FireShot program described above.

78. Attached hereto as **Exhibit 76** is a true and correct copy of an image of the URL <https://twitter.com/stoolpresidente/status/965246177380880384?lang=en>, which I captured on March 30, 2020 using the FireShot program described above.

79. Attached hereto as **Exhibit 77** is a true and correct copy of an image of the URL <https://twitter.com/barstoolsports/status/965309612831330304>, which I captured on December 18, 2018 using the FireShot program described above.

80. Attached hereto as **Exhibit 78** is a true and correct copy of an image of the URL <https://twitter.com/MichaelRapaport/status/966442354692431872>, which I captured on December 18, 2018 using the FireShot program described above.

81. An audio file downloaded by my colleague Curtis Pickrell (“Pickrell”), under my supervision, from <https://iamrapaportpodcast.libsyn.com/website> on August 20, 2019, which was titled Episode 269 of the “I AM RAPAPORT: STEREO PODCAST,” and dated February 28, 2017, is being identified as **Exhibit 79** and will be provided to the Court via a flash drive.

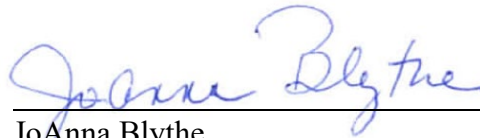
82. A video file downloaded by Mr. Pickrell under my supervision from twitter.com on March 19, 2020, titled “Emergency Press Conference - @MichaelRapaport is fired,” and dated February 18, 2018, is being identified as **Exhibit 80** and will be provided to the Court via a flash drive.

83. A video file downloaded by Mr. Pickrell under my supervision from www.youtube.com on March 30, 2020, titled “Michael Rapaport Speaks Out on Getting Fired ‘Emergency Press Conference,’” and dated February 18, 2018, is being identified as **Exhibit 81** and will be provided to the Court via a flash drive.

84. A video file that was produced by Plaintiffs, and is Bates numbered RAP023509, is being identified as **Exhibit 82**, and will be provided to the Court via a flash drive.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 7th day of April 2020 at Los Angeles, California.


JoAnna Blythe

Respectfully submitted,

GREENBERG GLUSKER FIELDS CLAMAN &
MACHTINGER LLP

By: /s/ Aaron J. Moss

Aaron J. Moss (AMoss@ggfirm.com)
Ricardo P. Cestero (RCestero@ggfirm.com)
Steven A. Stein (SStein@ggfirm.com)
2049 Century Park East, 26th Floor
Los Angeles, CA 90067-3101
(310) 553-3610 Telephone
(310) 553-0687 Facsimile

HERRICK FEINSTEIN, LLP
Barry Werbin (BWerbin@Herrick.com)
Elena McDermott (EMcdermott@Herrick.com)
2 Park Avenue
New York, NY 10016
(212) 592-1400 Telephone
(212) 592-1500 Facsimile

Attorneys for Defendants